



**TOWN OF WEARE**  
**PLANNING BOARD**  
**ZONING BOARD OF ADJUSTMENT**  
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Naomi L. Bolton  
Land Use Coordinator

**Office Hours:**  
Monday  
thru  
Friday  
8 AM – 4:30 PM

**ZONING BOARD OF ADJUSTMENT**  
**MINUTES**  
**JUNE 2, 2009**  
**(Approved as written 7/07/09)**

**PRESENT:** Ian McSweeney, Chairman; Jack Dearborn, Vice Chairman; Forrest Esenwine; June Purington; Malcolm Wright, Alternate; Neal Kurk, Alternate; Naomi L. Bolton, Land Use Coordinator.

**GUESTS:** Attorney Douglas Wilkins; Scott Pollister; Audra Klumb; Susan Roberts; Eric Horner; Michelle Gagnon-Horner; Theresa Swain; Jill Connor Wing; Ginger Esenwine; Michael E. Cook; Charlotte A. Grady; Aaron Colburn; Chet Colburn; Judith Layton; Kate Doyle; Thomas Beal; Renee Beal; Shannon McManus; Arthur Siciliano, LLS

**I. INTRODUCTION:**

Chairman McSweeney called this meeting to order at 7:30 PM and asked the board members present to introduce themselves. Chairman McSweeney explained to those present the way by which the board conducts business.

**II. ADMINISTRATIVE ITEMS:**

There were no administrative items to take up at this time. Chairman McSweeney stated that we have one vacant board position for tonight and stated that he would like to appoint Neal Kurk as a voting member for the first hearing and then swap back and forth with Malcolm Wright.

**III. PUBLIC HEARINGS:**

Case #0309 New Cingular Wireless (AT & T) (Owner: John J. Moody)

Variance, Article 28, Section 28.9

Variance, Article 32, Section 32.6.1

Variance, Article 32, Section 32.7.1

Applicant is requesting permission to 1) allow ground disturbance within 25 feet of a jurisdictional wetland for construction of a graveled access drive to a wireless telecommunications facility; 2) to allow the height of a wireless telecommunications facility to exceed 25 feet over the average tree canopy height within a 150 feet radius of the mount, security barrier, or designated clear area for access to equipment, whichever is greater; 3) area variance requiring all ground-mounted wireless telecommunications facilities to be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of 50 feet from the mount, security

Forest Road

Cottage Road (Private Road)

Chester Colburn, Aaron Colburn and Art Siciliano were present. Mr. Colburn stated that this is a continuance from the January 6, 2009 meeting. The only issue it appeared at that time was some sort of road agreement. Mr. Colburn stated that he has two forms that he would be more than happy to use one of them. One is a standard that he uses because he usually has to sign off on for the bank when others that use that road, need the agreement for the bank. The other is an agreement that he and Aaron put together as a road agreement. Mr. Colburn stated that he has been maintaining it for 50 years.

Neal Kurk asked if he was going to improve the road to class V standards. Mr. Colburn stated he will do what Carl's letter indicates, which is not up to class V standards. Mr. Kurk asked if someone can explain to him what it will look like when it was done.

Mr. Kurk asked how long Cottage Road was and how much are they planning to upgrade? Mr. Siciliano stated that it will be between 600 -1200 feet.

Forrest Esenwine asked if Cottage Road is accessible to Reservoir Drive. Mr. Siciliano responded, no. The only way to get into this lot is via Lakeview Drive, one entrance and one exit.

Then there was a great deal of debate between the board members to see if the application is a area or use variance. After a several minutes, June Purington moved to accept the application as complete (which means the board would hear it as an area variance because the is what was filled out and addressed in November of 2008); Jack seconded the motion. Vote: 5 in favor (Purington; Dearborn, McSweeney; Esenwine and Wright).

Forrest Esenwine stated that the road agreement that Mr. Colburn has presented to the board has to do with Lakeview Drive. Mr. Colburn responded the he will use this form and just insert Cottage Road where it says Lakeview Drive. Neal Kurk asked, does this mean that Chester Colburn will be responsible to maintain the whole length of Cottage Road. Mr. Colburn responded that the means that he will be responsible from Lakeview Drive to his driveway.

Approving Abutters: Tom Beal, 61 Cottage Road, stated that they are across the street from the subject property. They don't object to the application the problem they have is the maintenance issue. If a fire truck is sent to their house it will come down Cottage Road off of Reservoir Drive and that is not maintained by Mr. Colburn he and his wife maintain it. This lot is at the bottom of a steep hill. They live about 150 feet beyond the proposed driveway if you come in from Lakeview Drive. The Beal's stated that 10 years ago when they bought their house they had to get a letter from Mr. Colburn for the bank stating he was going to maintain the road and Mr. Colburn doesn't maintain it they do. Neal Kurk stated that this information could go to the character of Mr. Colburn what is being promised. They don't have an issue with this as long as it is going to be maintained.

Disapproving Abutters: NONE

Public at Large: NONE

Other Boards: NONE

Rebuttal of Applicant: None.

Chairman McSweeney closed this hearing at 9:45 PM.

DISCUSSION: There was none so the board proceeded right to the decision.

CASE DECISION: Point #1: June Purington moved to accept point #1; Jack Dearborn seconded the motion. Discussion: none. Vote: 5 in favor (Purington; Dearborn; McSweeney; Esenwine and Wright). Point #2: June Purington moved to accept point #2; Jack Dearborn seconded the motion. Discussion: none. Vote: 5 in favor (Purington; Dearborn; McSweeney; Esenwine and Wright). Point #3aa: June Purington moved to accept point #3aa; Jack Dearborn seconded the motion. Discussion: none. Vote: 5 in favor (Purington; Dearborn; McSweeney; Esenwine and Wright). Point #3bb: June Purington moved to accept point #3bb; Jack Dearborn seconded the motion. Discussion: none. Vote: 4 in favor (Purington; Dearborn; McSweeney and Wright) and 1 abstention (Esenwine). Point #4: June Purington moved to accept point #4; Jack Dearborn seconded the motion. Discussion: none. Vote: 5 in favor (Purington; Dearborn; McSweeney; Esenwine and Wright). Point #5: June Purington moved to accept point #5; Jack Dearborn seconded the motion. Discussion: none. Vote: 5 in favor (Purington; Dearborn; McSweeney and Wright) and 1 opposed (Esenwine).

June Purington moved to grant the variance for Case #0409 with the following conditions:

1. Based on the map being used throughout the application entitled "Site Plan Tax Lot 102/10 for Chester A. Colburn, dated September 2008" an upgrade will be required from the northeast corner of the driveway to the intersection of Lakeview Drive to the standard specified in the letter from the Public Works Director which includes grade and maintenance. An inspection of the upgrade is required to be made by the Public Works Director prior to the issuance of a building permit AND prior to a certificate of occupancy.
2. Town of Weare Liability Disclaimer to be attached to the building lots deed and be recorded at the Hillsborough County Registry of Deeds as part of the deed, approved by Town Counsel.
3. Private Road sign to be posted at the entrance of the road.

Jack Dearborn seconded the motion. Vote: 4 in favor (Purington; Dearborn; McSweeney and Wright) and 1 opposed (Esenwine)

Chairman McSweeney stated that he will be stepping down from the board for the next hearing. Vice Chairman Dearborn took over and appointed Neal Kurk to sit as a voting member on this case.

Case #0509 Michael Cook  
Special Exception, Article 34, Section 34.10.1.3  
The applicant is requesting permission to erect a 4' x 4' sign for his farm where only a 2' x 3' apply.

Michael Cook was present. Mr. Cook explained that he put up this sign for his farm not realizing that it was in the State of NH right of way. He also got notification from the Town that it was in violation because only a 2' x 3' sign is allowed and this is 4' x 4', so he is here for a special exception for the size. Mr. Cook handed around pictures of the sign in front of his property. Forrest Esenwine stated that he felt this is a good looking sign and he also feels that it identifies Mr. Cook's property for what it is. June Purington agreed. Mr. Cook then went through the seven conditions to warrant the granting of the special exception as follows:

1. The specific site is an appropriate location for such a use or uses in terms of overall community development: This sign will in my opinion help maintain the rural character of Weare.
2. The proposed use will not adversely affect the neighborhood and shall produce no significant reduction of real estate values in the neighboring area: A sign acknowledging a farm should enhance the neighboring area.
3. The proposed use will not be a nuisance or serious hazard to vehicular traffic or pedestrians: The setback from the State right of way guidelines are 33 feet.
4. The proposed use will not cause an undue burden on the Town through the provision of basic Town services: There will be no maintenance or expectations from the Town.
5. Adequate off-street parking is provided if determined necessary by the Zoning Board of Adjustment: No need as it is a sign.
6. A buffer may be required to screen neighboring uses from the proposed use. Buffers may be fence screens, dense planting of suitable trees and shrubbery, or naturally occurring shrubs and trees:
7. The Zoning Board of Adjustment, in granting any special exception, may include such restrictions or conditions to insure compliance with this section:

Approving Abutters: NONE  
Disapproving Abutters: NONE  
Public at Large: NONE  
Other Boards: NONE

Vice Chairman Dearborn closed this hearing at 10:04 PM.

DISCUSSION: Being there was no discussion needed the board proceeded to the decision.

CASE DECISION: Forrest Esenwine moved to grant the special exception for Case #0509 as requested; June Purington seconded the motion. Discussion: Neal Kurk stated that he recognized the problem as Mr. Cook agreed he did it without knowing. The

problem he has is the sign posts that hold up the sign makes the visual impact larger and wondered if when Mr. Cook moves the sign can he reduce the visual appearance by reducing what he is supporting it. Mr. Cook stated that he has it all bolted together and it would cost about \$1,000 to change the sign. Vote: 5 in favor (Purington; Kurk; Dearborn; Esenwine and Wright).

Ian McSweeney returned to the board as Chairman for the rest of evening.

**IV: OTHER BUSINESS:**

CASE #4002 – CARL LANDON, RUSSELL DRIVE, TAX MAPS 103-018; 103-033 & 103-035, REQUEST FOR EXTENSION OF TIME AS ALLOWED BY ARTICLE 6, SECTION 6.1.7: Forrest Esenwine moved to grant the extension for one year as requested; June Purington seconded the motion. Vote: 5 in favor (Purington; Dearborn; McSweeney; Esenwine and Wright).

MAY 5, 2009 MINUTES: Forrest Esenwine moved to approve the May 5, 2009 minutes as written; June Purington seconded the motion, all in favor.

REAPPOINTMENT OF ELWOOD STAGAKIS: Naomi informed the board that Elwood Stagakis would like to be reappointed as an alternate to the Zoning Board. Neal Kurk moved to recommend to Board of Selectman that Elwood Stagakis be reappointed as alternate for a 3 year term; Jack Dearborn the motion, all in favor.

**V. ADJOURNMENT:**

As there was no further business to come before the board, June Purington moved to adjourn the meeting at 10:30 PM; Jack Dearborn seconded the motion, all in favor.

Respectfully submitted,

Naomi L. Bolton  
Land Use Coordinator